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SUMMARY OF NEWS.

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Politics of Europe.

We are still without any later Intelligence from Europe, than that brought by the last Arrivals. There are, however subjects of great local interest every day springing up around us, so as to render us less dependant than formerly on foreign sources for that variety which can alone maintain the continued interest of any Daily Journal.

We have occupied our Second Sheet, with the first day's examination of Charles Grant, Esquire, before the Committee of the House of Lords, respecting the Trade between Europe, India, and China; and as this witness is himself an admirer of the restrictive system, we may take it for granted, that whatever arguments exist against opening the trade, are fully brought forward. The grounds on which objections to removing the present restrictions are chiefly founded are—1st. The difference of national character supposed to exist between American and English sailors, and of course unfavourable to the latter.—2nd. The jealous and capricious character of the Chinese.—3d. The difficulty of preventing the smuggling of contraband goods into England—and 4thly. The danger of Englishmen getting into the interior of the Company's territories in India, where there is no authority to check them.

It is evident that the first of these is the most important; because unless it can be shown clearly and unequivocally that there is such difference, and an important difference, between the character of English and American sailors, that mischief would unavoidably arise from the conduct of the one where none is experienced from that of the other, it will be impossible to deny that the English have a just claim to be admitted to all the privileges of the Americans. It is said indeed, that American sailors are sometimes interested in the success of the voyage; and if the difference were owing to this, English sailors might also be paid by a per-centage on the profits of the adventure. At the present time English sailors find their way to China, both in the Company's Ships and American vessels in great numbers; so that it would be somewhat surprising if they should become more dangerous on arriving there in Free Traders. This objection, and the jealousy and caprice of the Chinese, although no doubt having some foundation, seem upon the whole more specious than real. It is stated, that the Americans have derived countenance and support in their China trade from the Company, and that they are considered by the Chinese as a *second sort* of Englishmen: why then should not *real* Englishmen derive the same countenance and support? If the Americans can thus carry on their trade without the protection of a Consul, Englishmen may do the same without greater prejudice ultimately to the interests of the Company.

Were British Shipping, at the present low ebb to which Trade is reduced, allowed to engage in the direct trade between China and Europe, two consequences would naturally follow injurious to the Monopoly: viz reduction in the price of English Goods in China, and of the China Goods in Europe. It would then be more difficult to make payments in China by the exportations of Goods; and the Free Traders sailing at a cheaper rate, the Company must be at a greater disadvantage, than private merchants. The cheap price of Teas, or other articles of monopoly, on the Continent of Europe, would stimulate the smuggling trade; for if articles for which there is a great demand in England are much cheaper on the Continent, nothing but surrounding the island with a wall of brass

will prevent their importation; all commodities, as has been observed, striving to find their level, and like water, the greater the inequality, the force necessary to confine them is the greater. If British Merchants were to engage in this trade, and to prosecute it even at a loss to themselves, or at least without any profit, they would doubtless in the mean time hurt others who are engaged in it; undertrading must, from the very nature of it, be only of short duration; and things will again find their level, as they will soon do by the increase of American shipping, supposing the restrictions are not removed.

The fourth objection—the danger to be apprehended from “the influx of Europeans” applies particularly to trade along the coast; We may judge of the importance of this objection in the mind of the witness, from the circumstance that it did not occur till a second question was put respecting that trade; and after stating that Licences were granted as far as he knew whenever applied for, and that he conceived the trade itself of little value. Traders themselves, however, must be allowed to be the best judges whether or not it would be more for their interest to dispose of their cargo at obscure ports, where they find a demand for it, or at the great marts of commerce which, because from being so much frequented, are often overstocked with goods.

The space in our Asiatic Sheet is occupied by subjects of interest to various classes. There is a Military Letter for the Army; a Judicial one for the Civil Service; and a general one that ought to interest all classes, because on the subject it treats of, depends entirely whether they are to continue to derive the pleasure or benefit of similar Discussions on points of interest and advantage to their several professions, in the same degree at least as at present.

Our Invitation for Replies to CARNATICUS has been answered already, as will be seen by an excellent Letter, adverting only to some of the more prominent misconceptions and mis-statements of that Writer, given in our Asiatic Sheet.

We have republished also, from the HURKARU, a Letter, which shews, we think, in the clearest light the utter incompatibility of two things, that some persist in maintaining are each in *equal force*. It has never been professed in the Settlement, (as insinuated in JOHN BULL), nor any where else that we are aware of, that a man might knock down his neighbour with impunity; nor that he might libel with impunity; the punishment for the one is as available as the other. It has never been proclaimed here that all Englishmen are equally free to wear blue coats, and therefore a man's License might be withdrawn from him for so habiting himself, without any *inconsistency*; but it has been proclaimed, and acquiesced in both here and at home, that all Englishmen in India have an equal right to the free expression of their opinions, or to a Free Press; and therefore no man's License could be withdrawn from him for exercising such a right, without *manifest inconsistency*. It is this which gives all the force and point to the Letter of OLD TIMES in the HURKARU, which is remarkable for close acquaintance with the History of the Indian Press, and is full of sound sense as far as *reasoning* and *consequences* are concerned; tho' we regret that his strong *Tory bias*, in favor of a Censorship, and his admiration of Pitt, Wellesley, and Von Gentz, should have made the Journal obnoxious to its Author. But we are not ashamed to transplant even from the HURKARU, or any other Paper, whatever we think worthy of that labour.

No one is so ignorant as to suppose that the Free Press of India was given to the *Natives*; to them it was *always* free;—no

one could deem it a boon to the *Country Born*; for they also enjoyed it in full perfection;—It was to *licensed Englishmen* that it was given (for no others are presumed to be in India), as it was thought unjust and unwise to withhold from them the free exercise of a right enjoyed by the other classes of Indian Residents.

We have been thought by some even who wish us well, to have spoken too plainly on this subject, as if we desired to give offence. Nothing can be farther from our wish than this. We place the fullest confidence in the wisdom and the justice of the Indian Government; we believe firmly that they would never do an act which did not appear to them to be both wise and just; and it is therefore, that when a Free Press was offered to us, we were almost the only persons connected with it, who acted as tho' we believed the offer to be sincere. They are the enemies of the Government, who day after day use the most insulting and aggravating terms in order to provoke them, if possible, to rescind the blessing which was wisely yet benevolently given to us, (surely not to despise, but practically to enjoy;)—and not we who desire to see its fame unsullied by any act that shall not appear as bright on the page of History, in the cool and impartial eye of posterity, as it would do at the moment of its commission,—that should stand the test of Time, that powerful crucible which is sure to separate the dross from the gold, and make the pure metal come out brighter and finer from the furnace.

Let but our Opponents follow the example we have again and again set them; and abstain from maintaining contradictory and absurd positions, which they uphold not for the sake of the positions themselves, for they care no further about the matter than in as much as they desire to see them practically enforced on our person. Let them leave us quiet, and we will abstain also from putting them to perpetual shame; but it is too much for those who brawl daily against us, to cry out for the abridgement of a liberty which they take especial care to exercise so freely themselves. Mr. Peel was sent away from Leghorn because he disbelieved the declarations of the Government there;—those who write perpetually against us desire that we should be sent away for believing the professions of the Government here! We do not ask which is the hardest case, but which is the most contradictory or inconsistent? Can they be the friends of Government who seek to provoke them to such an act.

An incorrigible blockhead, in JOHN BULL, who commits an absurdity in every sentence, says,—“I desire to know why my condition shall be so much worse than a Printer's, or why his should be so much better than mine? I am an asserter of EQUAL JUSTICE; and if all other men may be transported without trial, why should Printers be exempted?”—We say so too; for there is not a Printer in the place that can be Transported without Trial; one because he is an American, another because he is an Indian, and so on; and it is this which constitutes the absurdity and inefficacy of such a state of things. There is not a Printer in India, that we know of at least, who is not a Native of the Country, and therefore could not be sent away, though all the Editors might; and the Press would no doubt improve vastly if instead of such productions as the *Government Gazette*, *Hurkaru*, and *John Bull*, we had a Native Editor in every street, amenable only to the Law for his productions. To this, however, it would and must come, if these short-sighted beings could carry their point, and persuade the Government to exercise for one purpose, a power clearly intended to be given for another,

We are almost ashamed to dwell on so plain and clear a matter: but our Readers will recollect that where we give paragraphs to this subject, our Adversaries give columns; and that it is a duty we owe both to them and to ourselves to declare explicitly our firm reliance on the wisdom and the justice of a Government, which we would do all in our power to honor, to strengthen, and to support, because we believe it to be friendly to the happiness of those over whom it rules:—and all those who interpret our conduct differently, are either ignorant of that which is right, and deserve our pity and forgiveness, or are disposed to misrepresent all we say or do for evil purposes, and do not deserve our consideration.

TYRANNICAL SPIRIT OF THE TORIES.

The worst Tyranny is a Despotism under the disguise of the Laws. On the slightest expression or suspicion of discontent, the Opponents of Lauderdale were accused and convicted of propagating Seditious, and imprisoned and fined by the Privy Council; and, under the accumulated oppressions of Government, men began to grow weary of their country, and even of their lives.—*Laing's Scotland*, vol. ii. p. 92.—*Scotsman*.

It is not our object, in this article, to characterise the present administration of England. Their own acts, indeed, portray them in colours so broad and striking, that perception needs no aid from reminiscence or foresight. Why then, it may be asked, should it be necessary to characterise their supporters; since, in this country, an administration is merely the head, and, therefore, imbued with the spirit of some faction or party? The answer is, that in attending to the expressions or even the breathings of a dominant faction, we can discover not only what administration is, but also what it is wished it should become—what it must become, if the views of those who nourish its spirit be not altered or withstood. If the eyes of the Tories can be opened to the necessary consequences of their own proceedings it will be well; if not, good is still to be accomplished by keeping the eyes of their countrymen constantly upon them. Coming events may even now be seen in their shadows. In the hearts of those who live now, may be found in embryo the acts of posterity; and, with still greater certainty may we find, in the feelings of to-day, the overt acts of to-morrow. Attention, therefore, to what is in constant exhibition around us, may make prophets of us all; and not prophets only, but, to no inconsiderable extent, regulators of the future; for, as observation reveals to us the secret workings—the hopes, fears, and wishes of the heart; so reflection and activity enable us to avert or lessen a multitude of threatened evils. But when many evils threaten us, as we think is the case at present, silence on the part of those who foresee them would be a crime. Compassion, even for those who are the cause of all, would unseal the lips of a good man; but with Tories, who are guided almost exclusively by a blind selfishness, this is a language which cannot be understood. They comprehend only what is addressed to immediate interests, or living passions, the uppermost of which is fear, which, getting a wrong direction, is sure to make them cruel. Believing that they have power themselves or THAT THEY MAY AT LEAST PUT IT IN MOTION, they, on the slightest contradiction, work themselves up to a sort of furor, and THINK ONLY OF CRUSHING THOSE WHOM THEY CANNOT COMBAT WITH THE WEAPONS OF REASON AND JUSTICE.

In evidence of this, we do not require to go into private families, or to collect stray expressions. Neither do we need to go back upon the history of CASTLES, or FLETCHER alias FRANKLIN alias C——, or that of the host of spies, informers, agitators, or, as we should rather call them, *instigators to rebellion*, which has, from time to time, overrun and disgraced our country. The language employed by Tories, at public meetings, civil and ecclesiastical, and in Tory prints—of which there is no paucity—st enough for our purpose. That language is not only ready to start forth in defence of all that is corrupt and oppressive, and in the shape of certificates in favour of all who are accused of peculation or undue severity; but it hurls defiance, and brings unmeasured accusation against all who advocate liberal or meliorating opinions. He who would curb prerogative, which has again become more palpable, and less chary in its exercise, or lessen influence, which has attained an almost irresistible sway, is said, whatever be on his lips, to have nothing but treason, anarchy, and revolution in his heart. On this system, EVERY WHIG IS A RADICAL; and EVERY RADICAL IS A TRAITOR; and the SEDITIOUS PRESS is a term applied equally to ALL JOURNALS which oppose themselves, in a greater or less degree, to the measures of administration. Now, when this is interpreted, the plain English of the whole seems to be, that all who are not Tories should be condemned indiscriminately without trial, or, if put upon trial for the sake of form, to be condemned without evidence or inquiry, farther than to ascertain that the victims were not thick-and-thin supporters

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of the present Ministers. Blood, or banishment, is to be awarded in every case, in which the love of right, or hatred of wrong, can be converted into crime; and what is so mischievous in the eyes of many Tories as the publications which expose abuses, or denounce speculators? Who so criminal as the man who demands the abolition of oppressive taxes with all useless places and pensions? Almost every Tory speech or publication has at least a tendency to corrupt the laws at their source; to hoodwink the judgments and harden the hearts of jurors; to bias judges; and, ultimately, to stir up—not a contest for ascendancy—but a war of extinction between the higher and lower classes of society. Where the physical strength of the community lies is well known; but the Tories, as if that were not enough, are uniformly, in language and conduct, doing all that is calculated to add moral to physical power. Will their obviously grudging to the people all but a modicum of knowledge tend to make the latter less inquisitive? Will their obstinate retention of all abuses—their open defence or insidious protection of all wrongs—make the people more satisfied? Will their contempt for the opinions and disregard of the wishes of all below them lessen irritation? Or, will it be said that resentment may not be exasperated into irrepressible, and, in the case of a whole people, overwhelming rage? Intellect, as a moral power, is only a ministering servant to the passions.

Let the Tories of the present day, therefore, beware how they fan these into a flame. We can suppose it possible that they have not planned—that they do not wish, the absolute ruin of their country; but they should reflect, that if each will for a small share of the spoil, allow others to prey on its vitals, the fabric must soon tumble down about their heads. Neither the Ministers of RICHARD II., CHARLES I., or JAMES II. nor their supporters, perhaps, contemplated the fatal results of their own proceedings; but they were all selfishly and obstinately reckless of consequences. THE MINISTERS, IN EACH CASE, DECEIVED THEIR MASTER, AND THEY, IN THEIR TURN, WERE MISLED BY THE STILL VILER CREATURES WHO COUNTENANCED AND ENCOURAGED THEM IN ALL THEIR WICKED AND DANGEROUS PROJECTS. Nobody can read the history of England, without being convinced that the treacherous and tyrannical policy of JAMES I. led, as cause does to effect, to the sufferings and death of CHARLES I.; and that the profligacy, treachery, and oppressions of CHARLES II., the restored King, led, almost inevitably, to the deposing and banishment of JAMES II. No monarch ever commenced a reign under better auspices, or with greater promise of happiness to himself and his people than the second CHARLES. But never was Monarch more meanly unprincipled, or more unfortunate in getting round him a set of sensual, brutal, and unprincipled Ministers. After what took place in his reign, it is weakness, or madness, to talk of relying on the *natural mildness of the Sovereign*, the religion and virtue of the Clergy, the integrity of the Bench. The Sovereign was naturally mild in his temper; the Clergy ought to have been religious, for they could warmly resent any insinuation of an opposite nature; and the Bench ought to have been upright, since the man that should whisper the contrary, was sure to lose his ears, if not his head. But what happened? All began, but nothing continued well. Yet the steps, from a magnanimity that seemed to forgive every thing, to a tyranny which threatened to bury all that was good and just in one common ruin, may be said to have been gradual; and this evinces the danger of *silently acquiescing* in any one bad measure; since, once committed, no person can say at what point he shall have power to stop. The Monarch was, from the beginning, ungrateful to the friends who had fought and bled for him and his father. The Bishops who, at no distant period, had been publicly accused in Scotland of simony, perjury, bribery, cheating, incest, and all sorts of crimes, became advocates of divine right on the part of Kings, and unconditional submission on the part of subjects. The *Cabal*, in name of the King, became so many tyrants.

LAUDERDALE, the Minister for Scotland, as may be seen from what is quoted in our motto, was one of the most ferocious. "Horror and universal execration," says Mr. LAING, "were excited by the treachery and almost unexampled perjuries of the

first Minister in the Church, and in the State." "SHARPE, the Primate, ROTHES, the Chancellor, LAUDERDALE, High Commissioner, and HATTON, a Lord of the Treasury and Session, did not scruple to perjure themselves for the purpose of cutting off a person of the name of MITCHELL, whose life had been previously guaranteed by an Act of Council; and the *Justice-General*, who had specially admonished LAUDERDALE of the existence of this protecting act, had yet the weakness and wickedness to pronounce sentence of death on their victim."—"Letters of Law-burrows were issued against whole counties."—"In a single writ above ninety Clergymen, Gentlemen, and even Ladies of distinction, were interdicted from the common intercourse of social life,"—and, "at a moderate computation, 17,000 persons of either sex, and of every description and rank in life, were already oppressed and harassed in the west of Scotland for attendance on conventicles, or for their absence from Church."—"By oppressions of all kinds, they were at last driven to wilds and morasses for safety."—"A price was fixed on the field preachers, whom the soldiers daily pursued like partridges on the hills."—"The Courts of Justice were filled with ignorant or unprincipled judges,—favour, bribery, partial and corrupt judgment prevailed,"—"persons to the extent of twenty at a time were tried in their absence, and condemned to be executed,—*transportation*, a new punishment, was inflicted without any lawful authority."—"By DALZIEL and DRUMMOND, again, military officers of a brutal character, some were put to the sword, or executed on the highway, without a trial; others were tortured with lighted matches fastened to their fingers to extort confession; and among the atrocities imputed to DALZIEL, a son was executed because he refused to discover his father, and a woman accessory to her husband's escape was tortured to death. The soldiers even indulged in every species of excess. Rapes, robberies, and murders were committed with impunity; and the prisoners, arrested on suspicion, were stripped and thrown into crowded, contracted, and unwholesome jails. The Clergy, instead of interceding for the people, abetted the crimes of the military with whom they associated; aided and directed their violence; connived at their excesses; and amidst all these calamities, rejoiced at the golden age which the church enjoyed." Such is a faint sketch of the mighty evils which a profligate Prince, a brutal Ministry, and a corrupt and servile Aristocracy, bring upon a people; but faint as it is, must not he be thought a monster who can deliberately think of palliating such fiendish atrocities? And shall we, with such examples before us, be deaf to the voice of history? The House of STEWART has no defenders, we believe, and few apologists at the present day; but the ministers of CHARLES were much more to blame than he was, and their supporters and agents still more to blame than they. The whole blame, in short, may be justly thrown upon the corrupting and deadening spirit of Toryism, which prevailed then, and which is too prevalent now;—a spirit which, in its acme, is as dangerous to Princes, as, in its progress, it is to the people. In oppressing the one, it infatuates the other, and ceases not, when indulged, until it has worked the ruin of both.

If men would be honest and open, however, there is no mystery in politics. The science of government is one of the simplest branches of morals. And taking mankind in the aggregate, they will see what is politically right, and prefer order and peace to anarchy and war, and give deference rather than resistance to the laws, just as readily as they will distinguish a green from a red colour. The blessings of a good government are not to be mistaken. Neither are the curses of a bad; tho' the evils will be submitted to without murmur, much oftener than the good will be complained of. But as he would justly be styled a fool who should desire commotion for the rectification of trifling abuses; so there are occasional errors of the people, and of individuals, that no wise government would think of punishing with severity. ABOVE ALL, HOWEVER, THE FREEDOM OF DISCUSSING ALL QUESTIONS OF POLITICS OUGHT TO BE PROTECTED; FOR WITHOUT THIS THE PRINCE IS ABUSED, AND THE PEOPLE NECESSARILY OPPRESSED. The Government falls into the hands of a few bad men who administer it for their own sinister purposes; and the deluded Sovereign never sees his true interests till his fate is sealed, his Crown overthrown, and his people impoverished and ruined.

A Simile.

Written in Paris, but quite as applicable in Calcutta.

I.

Truth's something like champagne that's brisk and bouncing—
 Prone to explode, work mischief, and all that;
 But still more like champagne when done with flouncing,
 Because so devilish few can bear it—*flat*:
 It stoops at folly like a falcon pouncing;
 Therefore be cautious whom you fly it at.
 If dull, 'tis scorned—mark many a holy thesis;
 And if too brisk, it flies in people's faces.

II.

'Tis dreaded like a monster with a sting to
 Its tail, and voted on all hands an evil:
 Kings hate, and prelates fear it; women cling to
 Bland flattery instead—for it's so civil:
 Thus, you'll discover, 'tis a dangerous thing to
 "Tell truth," as *Holspur* says, "and shame the devil:"
 For, like a thousand other things, the fact is
 'Tis more approved in theory than practice.

Vestris the Fair.

(From a Correspondent of the Morning Chronicle.)

I.

There's a form throws a spell o'er the portals of Drury—
 'Tis not she with the poniard, nor she with the mask*—
 Such a spell, that if *MAHOMET*'s meltingest Hour
 Should strive to dissolve it, in vain were the task;
 That form, oh! it is not a creature of fable;
 Her dark eyes soon tell you they're born not of air;
 No, no! ye *TITANIAS*, ye never were able
 To charm like this Goddess, like *VESTRI* the Fair?

II.

Though Drury, that Temple can ne'er sink degraded
 Which Fame and her *BRINSLEY* with glories have strewed;
 Though laurels must still cover thick and unfaded
 The spot *ROBERTUS* sunned, and his farewell bedewed;
 Yet never, oh! never their spirits did scatter
 Enchantment so winning and fairy-like there
 As the Sylph whom no harp in *Parnassus* could flatter—
 The mistress of blandishments—*VESTRI* the Fair!

III.

Then, Drury, exult in thy summer-time's splendour:
 That sunshine which bids all thy beauties unfold;
 Those looks that now nurse thee so glowingly tender,
 May leave thee to languish in pitiless cold—
 Glad summer! throughout it what bosoms are sighing
 It's full-blown luxuriance of glances to share;
 Ah! know they what Loves are in secret supplying
 Those silken-fring'd quivers of *VESTRI* the Fair?

IV.

Flash, flash, sweetest eyes, all your love-darting lightning!
 Those dark clouds of lashes that shroud so much fire
 May kill with their volleys destructively bright'ning;
 But who would not die on so radiant a pyre?
 So darling a death would be rapture to living
 A life leagued with visions of wasting despair.
 Brightest eyes often glisten in brows least forgiving,
 And brightest of bright eyes has *VESTRI* the Fair!

V.

Her sounds, like her own floating ringlets that cluster,
 Flow round thee fond Drury, in flowerings divine;
 Her blushes to me are thy loveliest lustre,
 Her blushes that make e'en thy blemishes shine:
 And well may thy evenings glide joyous at seeing
 A star rising o'er them which Heaven might wear;
 What's life, without love to embellish our being?
 What's Drury, unbeam'd on by *VESTRI* the Fair?

55, Great Russell-Street.

R. N. D.

* Tragedy and Comedy.—† Garrick took his leave of the Stage at Drury-lane.

Catholic Emancipation—Reform.

(From the Dublin Evening Post.)

Both these questions have been lost; but they experienced, in *transitu*, very different fortunes. The measure for the relief of the Catholics was debated night after night, and great respect, at least, was apparently shown to the prayers of the petitioners. The measure passed one branch of the legislature, and the principle, so far, was acknowledged. In the other house, it experienced, however, a decisive, and, we imagine, a final *quietus*. The question of Reform was debated two nights; but, in a house consisting of 658 members, it could only find support from 48! Nay, the mode in which it was treated was as contemptuous as can well be imagined. The ordinary retainers of the Ministry despised its advocates or their numbers too much to give themselves the trouble of attendance; and when Mr. Lambton began his speech, the Treasury Benches were deserted. Mr. Martin of Galway said the measure would not be carried by the Opposition themselves; and the Chancellor of the Exchequer repeated the observation. We think it, and have long thought it, a just one. If the Opposition were in earnest, the Ministers and their Swiss would be obliged to attend.

What, then, are the Catholics of Ireland—what are the Reformers of England to do? With regard to the first, it would be quite idle to amuse them with any hopes. He is not their friend who tells them that they have any hopes of success. A majority of forty Peers, with the heir presumptive of the throne at their head—with the influence which this illustrious personage must naturally and necessarily possess, and with the church establishment against them, should be quite enough to convince the most incredulous, or the most sanguine, that no hopes remain. Their doom is sealed. Let them, at all events, act with dignity—let them quietly and contentedly put up with their fate. We take it for granted that they will petition no more. The most moderate, as well as the more violent, must be convinced of the utter inutilty of "hawking their wrongs as beggars hawk their sores," to Parliament. The moderate see that moderation is of no avail. Here was a bill grossly objectionable, and, indeed, impracticable; yet they were silent, or only hinted their objections in an audible whisper. They were met by the Duke of York on the principle, and beaten. They will not subject themselves, of course, to further defeat and disgrace. The idle and the busy may get up petitions; but the Catholics of Ireland, as a body, will petition no more. What will the violent spirits do? Meet in aggregate assembly, and speak and resolve. Why, let them. We should prefer a total silence.

That silence cannot be mistaken or misconstrued; it will not be the silence of acquiescence—even the most unprincipled enemy of the cause will not pretend that the people are contented with what some persons are pleased to call "the wisdom of Parliament."—Let us not be hypocrites as well as slaves—let no man lay the flattering unction to his soul, that the mode taken by the House of Lords to settle this question, will promote the good feeling of Ireland. The thing is not possible; it is not in human nature. Prejudices and antipathies were gradually disappearing ever since the success of Mr. Plunkett's motion. They have reared their heads again. Why, let them—but let the Catholics mind their private business—let them not meddle, for what right have they to meddle in any constitutional question which may be started? They have nothing to do with the laws but to obey them. Let the laws be obeyed, and let every upstart Orangeman assume, as he ought to assume, pride and pre-eminence of place; and let the Catholic walk by, happy that he is allowed, without let or molestation, to attend to his own affairs. Henceforth let him not presume to meddle in politics.

With respect to the reformers, really the fight they made was so ridiculous—their speechings had so lame and impotent a conclusion, that we do not know well what to say upon the subject. One thing is at least apparent, that reform is despised most heartily in the honourable house. Now, if they be wise, we should recommend them to follow the example which will infallibly be set them by the Catholics of Ireland, namely, to hold their tongues. They are a monstrous talking race; but what good has their talking done them? The "wisdom of Parliament" laughs at their talk. Are they willing to continue the laughing-stocks of their representatives? If they be, we wish them joy—they will have a very pleasant summer of it. But in the name of reciprocity, let them not laugh at the wild Irish. The question of the latter was at least more decorously treated than their question: though we do admit that the defeat was quite as decisive.

As to the Agricultural Committee "above stairs," we believe the Agriculturists themselves now begin to see that they will produce nothing but a huge report, consisting of the enlightened dissertations of Mr. Webb Hall, the Secretary of the Board of Agriculture, that was of Mr. This-man from Suffolk, and That-man from Hampshire, and of Mr. Now-lan, from Kilkenny. It is all moonshine. They cannot raise the markets unless they let out the paper—and we are to have a Gold currency in May.

PARLIAMENTARY.

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Minutes of Evidence.

Taken before a Select Committee of the House of Lords—the Marquis of Lansdowne in the Chair.

EVIDENCE OF CHARLES GRANT, Esq.

You have been for many Years one of the Directors of the East India Company?

From the Year 1794, saving the periodical Years of Vacation.

Have you been particularly acquainted with the China Trade carried on by the East India Company under their Charter?

I think I must necessarily have become in a certain Degree acquainted with it from my Situation.

Will you state to the Committee, whether you are of Opinion that the Prohibition of all private Trade to Canton, is essential to the Security of the Company's Trade with China as carried on at Canton?

I confess I have been and am of Opinion, that a free Trade to China from this Country would be incompatible with the Existence of the East India Company upon their present Footing. As to what other Modes might be proposed short of that, I should be glad to answer to the particular Points as they suggest themselves.

Will you state in what Way you conceive that a Permission to the British free Traders to export British Commodities and touch at the Port of Canton for the Purpose of receiving Commodities the Growth of China, and transporting them to European Countries exclusive of Great Britain, or to America, would affect the Interests and Trade of the East India Company?

I conceive that this would be very little short of the free Trade which I mentioned before, as, in my Apprehension, incompatible with the Existence of the Company on their present footing; and I should likewise conceive, that so a large and free an Admission of the Ships and Subjects of this Country into Canton, if it did not work immediately the Abolition of the Company, would endanger the Stability of that System of Trade which is now conducted through the Medium of the Company between Great Britain and China, by the very great Influx which would follow of the private Ships and the subjects and Sailors of this Country, among a People remarkably jealous, peculiar in their Usages and in their Mode of Government; the Government itself arbitrary, not fond of Trade, exercising capricious Powers, and nowise unlikely on some sudden Impulse or Provocation, to shut out the Trade altogether.

Independently of the Consequences you apprehended from the Effect which you have Stated might be produced upon the Chinese Government or the Persons in office under it, would such Permission immediately deprive the Company of any Branch of Trade they now actually carry on?

I do not know that it would have immediately the Effect of depriving them of any one Branch of Trade; but as I conceive Tea to be the main Object of the Speculations of the mercantile People of this Country in their present Applications with regard to China, I mean a Participation in the Trade of Tea, I do conceive that such a Participation would go greatly to diminish the Trade of the Company in that Article, and, in process of Time, to render the whole of it quite insecure.

That Apprehension, however, is founded, if you are rightly understood, exclusively in your Apprehensions that the Chinese Government, or Persons in Employment under it, might be induced to abandon the Trade with England altogether, in consequence of Differences that might occur under such an Arrangement?

No, not so. I think that a Participation by the Subjects of this Country in the Trade of Tea to be carried to Foreign Europe, would most probably end in the smuggling of a great Quantity of the Tea so imported into this Country, which would of course diminish the Company's Sales and their Profits, and might reduce them to the State in which they were before the Commutation Act of 1784.

Without supposing that the Continent of Europe is either more rich or more populous, might not the increased Taste for Tea greatly augment the Consumption of Tea on the Continent?

I should not conceive so; because of the great Quantities now lying on Hand unsold, and the very great Reduction of Price which is known to have taken place there in the Course of those large Importations which have been made in the last few Years. The selling Price of Tea is very much reduced from what it was Three or Four Years ago.

Will not the Reduction of the selling Price of any Commodity naturally increase the Consumption of it?

I do not conceive that to be an universal Rule applicable in all Cases; the Increase of Consumption must depend, in a great Measure, upon the Taste of the People; there are Parts in the Eastern World in

which the Importation of the Commodities of this Country at almost any Price would not much increase the Consumption of them.

Referring to the Objection, which in your former Answer you have stated to exist to the Admission of any British private Trade to Canton, in consequence of the Effect which it might produce upon the Chinese Authorities, how do you account for the Increase and Prosperity of the free Trade carried on by the Subjects of the United States, subject to no Restriction whatever with the Port of Canton?

In the same Way as I account for the Prosperity and the Facility of the Trade carried on by British Subjects from the Ports of India to Canton and back again to India. I conceive that both have flourished in consequence of the Establishment of the East India Company's System there, and the Protection which it affords, not only to the Subjects of this Country trading from India, but likewise to the American Subjects, who at first were hardly distinguished in India from the Subjects of Great Britain, and by slow Degrees rose to the Magnitude they have lately had in the Trade there, partly in consequence of the Countenance given them at an earlier Period by the Company's Establishment, as well as by their being considered as a second Sort of Englishmen. The Disappearance also of several of the Foreign European Companies whose Place they supplied, may have made them more readily accepted by the Chinese Government.

What Reason is there why the same Degree of Protection and Facility should not be afforded by the East India Company's Establishment at Canton to British free Traders, as you now state to be afforded by them to the Traders of other Countries engaged in a Trade precisely similar?

My Idea is, that if the Subjects and the Ships of this Country were admitted without Limitation into Canton, the Company's System could not continue; and that by the much greater Number of our People, our Seamen particularly, and the Difference of Character between them and the American Seaman, they would be much more likely to give Offence to the Chinese Government whose Character I have already described.

In what Way do you mean to state that the System of the East India Company's Trade at Canton would be overturned by the free Admission of British Subjects to the Enjoyment of the same Privileges with the Americans?

I think I have already stated several Reasons; the Numbers and the different Characters of the Subjects of this Country who would resort to Canton; their much greater Means of launching out very extensively into that Trade, (whether they would be ultimately successful is another Question,) and the perpetual Collision that must arise between them and the Company's Establishment there, and likewise (it is to be apprehended) between them and the Officers of the Chinese Government; by which the Trade of this Country to China in any Form might be endangered, owing to the arbitrary and jealous Character of that Government.

What is the Difference of Character between British and American Seamen, on which you found your Observation?

It is a recognized Fact by those acquainted with Canton, that the American Seamen are far more orderly and better conducted than the British Seamen are; more easily kept in due Subjection in that Country; whereas British Seamen are with the greatest Difficulty kept from getting into Disputes with the People of the Country or Officers of the Government; several of which Disputes have been likely to terminate fatally, and some actually have done so.

In that Answer, do not you compare the Character of the Sailors employed in the Company's Ships with that of the American free Traders?

Undoubtedly; but I conceive the Sailors employed by the Company to be of exactly the same Character as the Rest of the British Seamen.

Do you attribute the Circumstance of the American Seamen being more easily kept in Order than the English Seamen solely to the Difference of National Character?

I believe there may be another Circumstance, but I am not certainly informed of it; I will however mention it as an Hypothesis, that the American Seamen are of such a Description of sober and orderly Persons as to have an Interest in the Voyage given them, a small one doubtless, but to be in fact interested in the Voyage, and of course interested in the good Conduct of the Expedition, the Safety of the Ship, and every thing that relates to it; but I am so little particularly informed, that I cannot speak more precisely to that Point.

Would it not be practicable for a British free Trader to give the Seamen navigating his Ship the same Species of Interest to which you have referred?

I believe there is no such thing known in this Country, and I should think it difficult to establish such a Practice.

Are there not other adventures carried on by British Trade, in which a similar Interest is now given to the Seamen engaged in them?

I have just heard the Whale Fishery mentioned. I am certainly not aware of any other where such a thing prevails in the Trade of this Country to the Eastward.

Do you mean to extend the Observation to the Conduct of the British Seamen employed there, as compared with the Conduct of those of other European Countries?

I believe it might be extended so far; but during almost the whole Period of the French Revolution the Foreign Companies had nearly disappeared in Canton, and of course the Sailors employed by them.

Can you state at what Time the Foreign Companies disappeared from Canton?

In the Year 1788-9 the Foreign Companies exported from Canton nearly Eleven Millions of Pounds of Tea: in the Year 1789-90, about Seven Millions: in the Year 1790-91, Two millions two hundred and ninety-one thousand. From that Time I consider the Trade of Foreign Europe with China to have decreased, until in the Year 1799-1800, when the Exports of Tea from Canton, which were confined to the Swedes and Danes, amounted only to One Million and a Half of Pounds.

Does the American Consul at Canton exercise any considerable Authority over the American Seamen at that Port?

I have not distinctly heard that there is an American Consul regularly established there. I do not know the Fact that there is one.

Do you know whether British Capital is not embarked in the American Trade with Canton to Europe and to America?

I believe the American Trade to the East owed its Origin to British Capital, as it owed its Continuance and Increase to the Belligerent State of Europe for so long a Period; but I do not know that at the present Time there is any British Capital employed in the American Trade to India and China, their own Capital having very much increased; though I believe that they obtain Facilities from their English Correspondents in respect of the Operations they carry on in the East.

In one of your Answers you have stated that the opening of the private Trade with Canton would be incompatible with the Existence of the Company on their present footing, and in another that the same Circumstance would work the Abolition of the Company; do you mean to confine that Answer to the Interests of the Company as connected with the China Trade, or to extend it generally to the Existence of the Company in India and in China as a mercantile and political Body?

My immediate Meaning undoubtedly was the Company's Establishment in China; but it cannot be unknown that the Stability of the Company, and their Means of conducting the Indian Administration, at present entirely depend upon the Profits of the China Monopoly; because they derive no Income whatever from the Territory, nor have done for many Years; not owing, I presume to say, to their Management, but to the Course of great public Events in that Quarter of the World, which were not under their Control, but under the Control of His Majesty's Government; so that if the China Monopoly were now to fail, they would not have wherewithal to pay the Dividends to the Proprietors, nor to pay the Capital Stock invested by the Proprietors; the Indian Territory not only yielding nothing to them, but being very largely in Debt.

Have the Directors of the East India Company ever turned their Minds to discover whether any System of Restriction with regard to the Tea Trade, admitting British free Traders, might be adopted that could secure to them their Monopoly of Teas, leaving to the British Subject the Advantage of a free Intercourse with China in other Articles?

I believe it is the universal Opinion of the Directors of the Company that their Monopoly would not be safe if there was such a general Admission given to the British Subjects into China, even if they were restricted from dealing in the Article of Tea; and that Directors do not conceive that any System of Restriction which they could devise would be effectual to the End mentioned.

Supposing Means could be devised of preventing the Smuggling of Teas from the Continent, and of making the Conduct of British Seamen similar to that of the Americans, what other Reasons would induce you to think that the Company could not go on conducting their Trade in Teas as they do at present?

I beg to say, in the first Place, that I am not aware of any Means that could be devised to answer those two Purposes, and unless they were secured in the first place, they would alone, in my Apprehension, form a strong Impediment to the suggested Freedom of Trade. But besides, I believe that it would be impossible in such an Opening as is speculated upon for the Company's Establishment in Canton, to maintain that Footing of Authority which they do now, and which is necessary to their Continuance. I should, to speak fairly, expect a continued

Spirit of Opposition to them from the free Traders, such as they have evinced in the other Case during the last Twenty Years.

Supposing the Legislature was to give additional Powers for the Maintenance of Order, to the Company's Servants at Canton, do you then think that under this Arrangement the Company might continue to carry on their Trade in Tea as at present?

I am not aware of any Authority that His Majesty can give to His Subjects there which would answer the Purpose, one of the greatest Difficulties being with the Government of China; but besides this, no Authority that His Majesty could give could prevent the free Traders there from making perpetual Representations against the Company's Establishment; and from long Experience I should expect that to follow, and should expect likewise that the Influence of their Representations in the Country would have the same baneful Effect on the Company's Affairs there as they have with respect to their commercial Privileges in India.

What is the Nature of the Opposition that the Company has experienced from the free Traders to India during the last Twenty Years, to which you alluded in your Answer to the Question before the last?

In the Year 1793, for the first time, the Subjects of Great Britain were allowed a certain Quantity of Tonnage in the Company's Indian Ships for the Purpose of exporting the Manufactures of this Country to India, which Tonnage was never filled by them, and of bringing back the Proceeds of those Manufactures in Indian Goods: the Traders almost immediately began to complain of the Company's Mode of dispensing this Privilege, as intended to thwart the Effect of it with regard to the free Traders; and by Perseverance in this Way, in my Apprehension, more in the Spirit of Opposition than from any real Causes afforded, they at length got a much greater Change introduced into the Indian Trade, in the Year 1801, by which a certain Class of Ships were established by the Company solely for the Purpose of carrying out their Trade: they were likewise dissatisfied with this larger Concession, and went on complaining till the Renewal of the Company's Charter's come on in the Year 1813, when by Representations of the same Nature circulated all over the Kingdom, they effect the Object which it was known they had long in view of entirely putting an End to the Company's commercial Privileges to India, and of getting their own Ships introduced into that Trade. I should fear the same Course would be gone over, if Canton were opened to the free Traders of this Country.

Are the Committee then to understand that the Opposition on the Part of the free Traders which the Company experienced was conducted by means of Remonstrances to the Government and Legislature upon the general good Effect to the Country which would attend to further Opening of the Trade?

No, not in the first Instance; there were a long Series of Complaints for Years of the Mode in which the Company conducted themselves in affording them the Privileges enjoyed by the Legislature; it was almost a continual State of Warfare between the Parties; and tho' the Company were induced for the Sake of Peace to enlarge the Privileges given them in 1793, that did not satisfy them; their Object was known to be the Introduction of their own Ships into that Trade, without any Restriction whatever. No doubt the general Good was mainly pleaded.

Can you state the comparative Gains or Losses of the Company from their Trade to India before 1793, and their comparative Gains or Losses by their Trade to India at the present Time?

Such a Statement can certainly be given, if the Committee will be pleased to require it; but the Profits of the Trade have been within the Period mentioned, affected by other Circumstances besides the Admission of the Subjects of this Country general into it. The immense Rise of the Cotton Fabrics of Great Britain has in a very great Degree displaced the Cotton Fabrics of India, which were formerly the grand Staple of the Indian trade to Europe and one of the most gainful Articles of the Company's Commerce. The Trade in these Articles has now nearly ceased.

Can you prepare an Account of the Annual Profits to the Company of their Trade with India within the last Five Years, exclusively of all Profits on Cotton Goods, and the Profits of the Indian Trade, exclusive of all Cotton Goods, for Five Years, antecedent to the Years 1792?

That certainly may be done.

Supposing a British Consul, with ample Authority over all British Subjects, conferred upon him by the Legislature, to be established at Canton, and all Communications between the East India Company and the free Traders on one Side, and the Chinese Government on the other, to take place through the Medium of the Consul, do you conceive that the Adoption of such a Measure would tend in any Degree to remove the Inconvenience and Danger which you apprehend would arise from the Admission of free Traders into the Trade with China?

I apprehend that to reduce the Company to carry on their Inter-course with the Chinese Government, through the Medium of a Consul, would essentially alter their Situation there; and I would beg to state my Reasons: the Company's Establishment has grown to what it is now in a long Course of Years; it is in Possession, there, of a great Stock of commercial Property; it has the Command of a large Fleet of formidable Ships; it has acquired, by the Probity and the Liberality of its Dealings, a great deal of Weight and Influence even with that proud and capricious People; and, in consequence, it has not only the sole Authority at present over the British Subjects there, but has a certain Degree of Consideration in the Mind of the Chinese Government, that Government being in a Measure reconciled to the Tolerance of Foreigners within its Empire, because of the uniform good Conduct of the Company's Establishment, and the Effect of long Usage, which is a Principle of great respect among the Chinese, and has given a degree of sanction to the Company's Establishment. There is also another Kind of Monopoly in China, that of a set of Chinese Merchants by the Appointment of the Chinese Government; a Monopoly of a small Number of Merchants, very wealthy, and consequently not without Influence, having also a mutual Interest in upholding the Company's Establishment there. By means of these Circumstances, peculiar to the Establishment itself, and with the Influence of this Chinese Hong, as it is called, together with the Permanence and Regularity of the Company's Operations, they are enabled to carry on their large Affairs in general with great Success; but if they were to be reduced all at once to be dependant on another Organ, and that a single Individual, I conceive it would essentially alter their situation and lower their Credit and Importance with that Government; and I do not think that the Establishment of a Consul, with any Power from his own Government, would enable him to do that with the Chinese Authorities which the Company's Establishment can do, and has long done. The Chinese respect the Wealth and Property, the Ships and the Servants of the Company; and that Respect is intimately connected with their own Interest: but I do not think they would at all equally respect an Individual, though having the Commission of the King of Great Britain; and I can conceive that it would be extremely difficult for an Officer, having the King's Commission, not to compromise the Interests of his Sovereign and his Country with that People; because the Servants of a Commercial Body can bear many things which a King's Officer could not, with due regard to the Honour of his Sovereign, submit to; and the System of employing a Consul there, as far as I can judge, would be extremely likely to fail altogether, even if there were no Company at all in question.

Do you think that the same Difficulties would arise on the Supposition of the Power of a Consul being given to the Chief of the Select Committee?

Certainly not the same Difficulties: it would be a much easier mode of introducing the King's Power there, and much more effectual, in my Apprehension, in controlling British Subjects; but I should fear that it would only increase the indisposition of the free Traders to the Company's System; because then more Power would be lodged in the Officer conducting that System.

Before concluding this Subject, I would beg leave to observe, generally, that there is at this Time a very large Trade carried on by British Subjects resident in India with China; and that no Participle of the Manufactures of this Country is prevented from entering by that Course into China unless it be Woollens, for the Introduction of which into China there is no Temptation; because the Company, from public spirited motives, have long carried on a large Trade in that Article from England to Canton, at an annual loss to themselves: that is to say, they could carry Bullion to Canton on better Terms, commercially speaking, than they carry Woollens; but from a desire to promote the Manufactures of this Country, they submit to a certain Loss upon the Article of Woollens, taking Teas in Barter for them, and being indemnified in the Result by the exclusive Privilege of selling Tea in this Country. In like manner every Article produced in China, may be exported by the British Indian Traders, and find its way to Europe, the Article of Tea only excepted.

Are you aware that British Woollens and other manufactured Goods to a considerable Amount, are imported into China through the Russian Dominions?

I conceive that Trade, which has long existed, must be comparatively small: it is carried on by Caravans from the Russian Dominions to those of China, a very long overland Journey at a great Expence. I believe it formerly suffered a considerable Reduction from the point at which it once stood; and I have not heard that of late this Trade has become more flourishing. Any acquaintance, however, which I have with the Subject is from reading, and relates to former Periods of the Trade, not happening to be informed of the recent State of it. But as it is a Trade of Barter, or of the Exchange of Commodities, and carried on through the wide Regions of the Higher Asia, for the Supply chiefly of People remote from any Water Conveyance, it may be inferred that it will be limited in its Extent, and not likely to be superseded by any Operations of Maritime Commerce.

Do you mean to state that the Export of British Manufactures in particular, through the Channel which has been referred to, has diminished of late years?

I meant to speak generally of the Extent of the Trade carried on it that Way. I am not particularly informed of the Quantity of British Manufactures which may have gone through that Channel; but I should apprehend they can reach no further, than the North of China, because it is known that the Company's Woollens are diffused through almost the whole of that Empire, and go there unopened, upon the credit of the Company's Mark: which, I may observe, would not be likely ever to happen in the Case of individual Traders; whence it is, I suppose, that of late we have heard of Fabrications of the Company's Mark upon some Woollens surreptitiously sent from this Country to Canton.

Can you deliver in a Statement of the Export of British Manufactures and Produce, by the East India Company to Canton, together with the Profit or Loss incurred thereby?

I can.

(The Witness delivered in the same, which was read:)

To what do you attribute the Loss which, it appears from the Statement you have delivered in, accrues from the Trade in Woollens carried on by the East India Company to Canton?

We cannot get the Chinese to raise the Price of the Woollens sufficiently beyond what they stood at a remote Period, when Woollens were, from many causes, much cheaper in this Country than they are now. They are a People so much of Habit, that notwithstanding all the Reasons we have assigned for raising the Price of Woollens, in consequence of the Increase of Prices in Europe, they will not submit to have them properly advanced upon any Grounds of that Sort. Having been accustomed, at a remote Period, to get them cheaper, they insist upon keeping them pretty much to that Standard even now.

The Committee are to understand there is not a sufficient demand for Woollens in China, to create the Increase of Price which always must take place where there is a large Demand, and where the Market is not clogged?

We certainly cannot find that there is that Demand or the Inclination to extend the Use of those Articles, though they are the best that this Country can furnish for such a Climate as China. Having mentioned this Circumstance, I beg to state it as my Opinion, that it appears extremely problematical whether, with the freest Admission of British Subjects into that Country, the Trade in British Manufactures could be greatly extended, if indeed it could be extended at all, unless upon a considerable Fall of Prices in this Country.

Do you attribute no part of the Loss to the necessarily superior Expence at which the Company carry on their Trade, on account of the Size of their Ships, and other circumstances, which must render their's a more expensive Trade than that of private individuals?

No; because with regard to the Ships, we charge very little of the Freight on the outward Cargo. It is the homeward Cargo that bears the main body of the Freight; and with respect to the Charge of the Company's China Establishment of Servants, I apprehend it is at a cheaper Rate than private Traders could possibly manage their Business at; as, from the great Magnitude of the Company's Concerns, a small Commission upon them is sufficient to pay their Establishment.

It is therefore your opinion, that a Trade in Woollens to the Port of Canton carried on under every possible Facility, would in all Probability, be a losing Trade?

I confess I think so, unless some Change should happen in the Chinese Government or Manners, which we are not at Liberty to assume at present, or a great Fall of Prices at home.

How do you account for the great Loss which you have stated in the Company's exporting Cloth to China from England, and for the Circumstance of the Americans exporting Cloth to China with a Profit?

I believe the Americans export but very little Cloth, and that the Profit upon it, if any, is very small. I would say further, not wishing to impugn the American Mode of carrying on their Trade, that there is such a Thing as evading the Chinese Duties, in which the Company cannot engage. I do not mean to impute that to the Americans; but I know in the private Trade in the Company's Ships it has been done, and the Cloth got into the Chinese Market without the Payment of Chinese Duties. With respect to the American Trade in Woollens into Canton, it appears by an Account which has been presented to the House of Lords of their Imports into that Port, from the Year 1804-5 to the Year 1818-19, there are no Woollens, except 10,556 Pieces of Camlets, and an Article called Bombazets, to the Amount of 20,400 Dollars, in the Year 1817-18.

You do not, however, feel any material Object now to exist to the free Admission of Vessels of smaller Burthen into the Trade referred to; other than what may arise in the Opinion of the Undertakers?

My Opinion certainly is, that the Trade is already overstocked; and that if more Vessels go into it, which probably may be from admitting those of a smaller Size, that will only make the Evils of overtrading greater than they are now.

Do you conceive then that that Trade will continue to be carried on to an increased Extent, at a Loss to the Undertakers?

Certainly not permanently; but I conceive, that at present there are a great Number of Ships in this Country left without Employment, in consequence of the Peace, which the Owners would rather employ, even if they can save the Freight, getting nothing by the Articles of Trade, than let them lie by the Walls; and that when the Question comes to be about the renewing of those Ships after they are worn out by other Ships, the Indian Trade, however free, will not support the same Number of Ships as are now engaged in it, nor be carried on at the same reduced Rate of Freight.

Would any Inconvenience arise to the Company from Vessels being permitted to trade along the Coast with other Ports than the Four principal Ports, to which they are now confined, with the Exception of particular Cases, for which a Licence is necessary?

I am not aware that when Licences are applied for, comprehending specifically other Places besides the principal Ports, they are ever refused; but with respect to the Advantage of such a Trade, I should conceive, for the Reason I have already given, that it can be very small. If Ships go to the great Marts of Commerce, where there is Capital and Trade, Merchants, and a considerable Population, I conceive their best Objects are secured, and that going to small Ports, where there is little Capital and few Merchants, little Business can be expected.

If such Licences are never refused, is it essential to the Company to retain the Power of prohibiting the Trade unless such Licences are granted?

That Power was given for a political Object, to prevent the Influx of Europeans into obscure Ports, where there was no judicial Authority to control the Irregularities of which they might be guilty, nor to prevent their even going into the Interior of the Country. That Reason for the Licences, I apprehend, still remains.

Is there any great Expence in obtaining those Licences?

There is but a trifling Expence, and, as far as I know, no Delay.

Will you state to the Committee what had been the Progress of the Trade with the Islands of the Eastern Archipelago, whether carried on by British or Country Vessels, and whether in your Opinion it is capable of any further Extension?

I beg leave to say, that the Company as a commercial Body have no particular Interest in this Question, their own Trade to the Eastern Islands being very limited; but with respect to the national Interests which may be concerned in that Trade, I conceive that it may be made of Importance under due Regulations and Encouragements. My Meaning is, that whereas at present the Islands exceedingly numerous scattered over the Eastern Seas, are almost all very ill governed, and that whole Region in a State nearly of Anarchy, if there was any commanding Station in the Eastern Archipelago, under the Government of such a Power as the British, which, acting upon the Principles of Justice and of Liberality, might afford an Asylum and a general Resort for many of the trading Part of that numerous Population, and be the Means of repressing Disorder and Piracy, which now so much prevail, and of encouraging a legitimate Trade, the general Interests of Commerce and of Humanity in that Region would be promoted. Of this we have had some Example in the small Island of Penang, or Prince of Wales's Island, which, since we possessed it, has become a considerable Resort of Natives, who have settled there, and are under the Protection of the Company, carrying on Trade and Cultivation; but that is too far remote from the Centre of the Eastern Archipelago to answer the Idea I have taken the Liberty to throw out. There is wanting a commanding Station further within the Archipelago; I think such a Station has lately been acquired by Sir Stamford Raffles at Singapore; and if the Government of this Country should feel no Obstacles to the Establishment of a British Settlement there, I apprehend it would contribute greatly to the Objects I have mentioned; my Meaning certainly is that such a Settlement should be connected with our present System of Administration in Continental India, and therefore under the Government of the Company, but with no further Advantage to them than might suffice for the Maintenance of their Establishment.

Does the Establishment at Singapore, to which you have alluded, offer the best Station we could occupy for British Commerce?

It is, I apprehend, the best now within our Command; but, if, by Negotiation with the Government of the Netherlands, a Station still more advanced in the Archipelago, and now in the Possession of that Government, could be obtained, I should conceive such a Station would be still better.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Saturday next 12 o'Clock.

Time.

"Why sit'st thou by that ruin'd hall,
Thou aged carle, so stern and grey?
Dost thou its former pride recal,
Or ponder how it passed away?"
"Know'st thou not me?" the deep voice cried,
"So long enjoy'd, so oft misused—
Alternate, in thy fickle pride,
Desired, neglected, and accused?"
"Before my breath, like blazing flax,
Man and his marvels pass away;
And changing empires wane and wax,
Are founded, flourish, and decay.
"Redeem mine hours—the space is brief—
While in my glass the sand-grains shiver,
And measureless thy joy or grief,
When Time and Thou must part for ever!"

Indian Bat, or Vampyre.

"'Tis Fancy wakes some idle thought,
To gild the ruin she has wrought,
For, like the bat of the Indian brakes,
Her pinions fan the wound she makes,
And, soothing thus the dreamer's pain,
She drinks his life-blood from the vein."

Extraordinary Case.

To the Editor of the Morning Chronicle.

SIR,

The following extraordinary case not having been noticed in your Journal, I take the liberty of supplying the place of your Reporter, by detailing its circumstances; which, I make no doubt, from the notoriety of the parties concerned, will prove interesting to the generality of your readers:—

FRACAS IN HIGH LIFE.

"On Saturday last, an Irish Member of Parliament, named C——gh, was brought up in custody before a Magistrate, charged by a person named English Grammar, with sundry slanders against his reputation and character.

The complainant commenced by stating, that in the times of Mr. Fox, Mr. Pitt, and others, he had enjoyed great authority in the Senate, and had been illustrated and ennobled by the most distinguished employment; but that during the prisoner's Parliamentary career, he had not only been entirely neglected, but often grossly insulted by him; and that he had suffered so severely from the prisoner's usage, that his best friends were unable to recognise him. That he had been advised to appeal to the jurisdiction of the two Universities, but they both (either infatuated by their prejudice, or intimidated by Court influence) had treated him with great contempt, and referred him to the Court of Aldermen, where he was assailed with such ill language as determined him never enter the place again. He added, that C. had often come to high words with plaintiff's relation, Dr. Prosody, whom he had invariably abused in a similar manner; and that he had actually broken the head of an elderly gentleman, named Priscian, an ancestor of the complainant's.

The substance of the prisoner's defence was, that he could not open his lips on the most indifferent subject without interruption from the complainant, and that in consequence he had from his youth contracted an antipathy towards him, which had probably been exasperated into hostility by the injudicious endeavours of some over-officious friends to promote their acquaintance. That Grammar, moreover, had presumed on their very slight intimacy to impose restraints on him, which no man who prided himself on his colloquial independence could submit to; and that having risen to rank and pre-eminence without his (Grammar's) assistance, he was determined never to acknowledge an authority which the lowest and meanest of the people were suffered to violate with impunity.

We are sorry to add, that during the proceedings the prisoner conducted himself in the most intemperate manner, and even in detailing the circumstances of his defence, was guilty of several violations of propriety and respect towards the complainant; indeed, had it not been for the opportune interposition of the Magistrate, it is more than probable he would have proceeded to the commission of some flagrant outrage."

Here the affair rests for the present.

I remain, Sir, your obedient servant,

H. L. B.

ASIATIC DEPARTMENT.

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Defence of the Bengal Army.

To the Editor of the Calcutta Journal.

SIR,

Without immediate leisure to enter into a detailed discussion of the various points adverted to in the Letter of CARNATICUS, which was copied from the *Asiatic Journal* into your Paper of Wednesday last, I cannot withhold observing on some few of the extravagancies into which this shrewd but prejudiced Writer has fallen.

It may be conceded that CARNATICUS is not a King's Officer, without admitting as a necessary consequence, that prejudices against the Native Troops did not operate in his writings on the constitution of the Indian Army: CARNATICUS possibly was an Officer of the Madras European Regiment, and in a school exclusively confined to the discipline and charge of European Soldiers, prejudices may be as deeply imbibed under a Company's Commission as under His Majesty's.

The call of CARNATICUS, for an instance in which European Troops were thrown aside in favor of Natives, to head an attack or to mount a breach, may safely be made; for as few will be so wanting in knowledge as to deny the superiority of a European Soldier over a Native individually; so no Commander of an Army having his cause at stake, would employ his least energetic force, and leave idle that on which, either in fact or in opinion, he ought to depend. From similar reasons the Grenadiers of both European and Native Armies are usually selected for such service. But no one has yet urged this as a proof that the Battalion Companies are "generally unfit for a Military life from physical causes," or "morally unapt for it,"—and in no case trust worthy," without they were supported and led by Grenadiers!!

One cannot but admire that sagacious delicacy of CARNATICUS, which starts, with seeming horror, when the misbehaviour of two previously distinguished European Corps is exposed, or at least accusations urged against their conduct before an Enemy; yet in the same breath he sweepingly accuses all the Native Corps in India as being deficient in courage and conduct, and in no case trust worthy without the support of Europeans.

To combat proofs of misconduct in one branch of a Service, by advancing similar instances in another, is no argument of general misbehaviour in either. In all Armies, and in all ages, have disgraces befallen Soldiers, more frequently (I had almost said invariably) from a want of talent in the Leader, than the bad materials of which such Armies were composed. One evidence of misconduct in a mere Native Detachment of Bengal Sepoys is thus described by CARNATICUS: "The flight was general, the confusion was thick, and those who saved themselves came in by dozens for weeks afterwards, naked as they were born, half starved, and without their arms."

This is an evident allusion to Monson's Detachment; the causes which produced its discomfiture, and the efforts of the Troops up to the affair of the Bunnas River, must be unknown to CARNATICUS, or he is worse than a prejudiced; he would become a slanderous chronicler of the Native Army of India. This fine force owed all its disasters to a want of confidence in Native Troops, by an Officer, who had, like CARNATICUS, no idea of safety when unsupported by European Soldiers. The ill-fated Commander had been placed in a situation beyond his sphere, and although unquestionably a brave Soldier, he was found deficient in other great essentials; he had neither decision in timing a retreat of doubtful necessity, steadiness in continuing it when once commenced, nor judgement to accept or decline an action. Such waverings produced the useless sacrifice of Lucan, the noble conflict at the Bunnas River, and the utter disorganization of the Force, by the Commander and his Staff, commencing the "sauve qui peut."

* Was the retreat of the European Army under Sir J. Moore, conducted with great regularity? or did His Grace of Wellington find no cause to complain of his Troops in a retreat?

The men of this unhappy Detachment had long been assailed by inclement seasons, want, the Enemy, and attempts on their fidelity; yet after resisting all these, and only becoming a disorganised body by the departure of its Leader and the separation of its columns in a night march, this Force is brought forward by CARNATICUS to prop his assertion that without Europeans the Native Army has ever been useless when strongly assailed. On the whole of this service, the Troops were not unwilling to face the Enemy, and the Officers commanding the Battalions urged not unfrequently to the infatuated Commander, the necessity for a general action, long ere the Detachment reached the Bunnas; but the zeal of the Officers and the alacrity of their men were repressed with the remark; that "there was no confiding in Native Troops alone."

CARNATICUS has perhaps forgotten the services of a Native Army under General Godard; but to leave such distant evidence of the efficiency of Native Troops, I refer him to a War from which he so partially quotes instances for triumph. During the first Campaign, the only successful Detachments in the Goorkah War were those commanded by Sir D. Ochterlony and Colonel Nicolls, composed solely of Natives (Artillery details excepted). That few, if any, instances in the history of our Indian Warfare, have been marked with equal hardships and dangers to Native Troops, who had to cope with a race of intrepid and robust mountaineers on the snow-clad summits of their own mountains, will be generally admitted. No situation could be better calculated to try the temper of the "luxurious Bengal Troops," and the fact that the two successful Corps were composed solely of Natives, may be adduced as proof, that, in these degenerate days, a Native Army, ably commanded, is an efficient Military body. I cannot but however remark, on this part of the subject, that CARNATICUS, in alluding to the operations of one Detachment in the Goorkah War, which he fancied so much in point, should omit altogether those against him. The instance advanced does not happen to bear him out; but establishes his ignorance of the details of that occurrence, and the nature of the warfare in progress; for instead of an entire Battalion "on the heights of Naun, advanced in support of a small leading column of half the Grenadier Company of His Majesty's 53d Foot, and a Detachment of Light Infantry," the nature of the ground, the back of a steep ridge of mountain, did not admit the formation of half a platoon; and when the discomfiture at the head of the column occurred, the Artillery and far greater portion of the entire Battalion were winding in single files up the steep acclivity, not within reach of shot, and no more participators in the honor or disgrace of that day, than CARNATICUS himself.

The Bengal Troops seem particularly obnoxious to CARNATICUS; no doubt the only motive which could produce the epithets of "luxurious," "easy," &c. was the desire to improve our branch of the Service. That the Officers of the Bengal Army may more freely spend what the State grants them, is perhaps true; but that the abstemious and parsimonious Hindoo should become luxurious, is hard to believe, on the assertion even of CARNATICUS. The fine tirade on the tardy movements of Bengal Troops under Colonel Adams, in 1818-19, is, like his other broad facts, disproved by his own Statement. In his enumeration of the several Detachments, which were early ready to engage in the combined movements against Appah Sahib, Colonel Popham's, a Bengal Detachment, and a portion of Colonel Adams's Force, is named in proof of the ready moveability of the Madras Corps, in contrast with those of Bengal. I am not minutely acquainted with the preparatory steps in the formation of the Corps against Appah Sahib; but I may safely leave to some of the participators in the scene to step forward with any explanatory matter required on the subject of this particular charge.

In his zeal to abuse the obnoxious Bengal Sepoys, this writer tells us, "instead of employing that respectful and firm tone which characterize a Soldier," they appeal to their Officers when in any distressing case, calling them a "father" "mother" "sister" and even "Almighty," a statement which displays a happy mixture of ignorance and absurdity: The story of Sepoys calling their Officers SISTER arises from some such blunder as mis-

taking *Khodawand* (Sir! Master!) for *Khoda*, (God Almighty.) Why is it more absurd in an Indian Soldier to call his Officer his parent (*ma bap*) than for a French Officer to call his men *mes enfans*?—The forms of expressing attachment, or respect for a superior, vary in every country; and an Irishman or a Frenchman does not show *his* with the brief bluntness of an Englishman, any more than an Indian. But how long has it been discovered that an affectionate regard and a reverence for their Officers are defects in the Military character of a people?

I observe in his sweeping censure of the Bengal Army, CARNATICUS embraces "*Pioneers and all*." This Corps is stigmatised as "of little use on any service," as having "refused in Java to bury the dead horses," &c. Here again CARNATICUS is woefully deficient in information, for by the Regulations under which the Bengal Pioneer Corps was formed, the men were excluded from the duties of Scavengers, or any work inconsistent with the prejudices and habits of a Native Soldier; at the same time their duties in war and peace were circumstantially detailed. Whether the Government acted wisely in raising a Pioneer Corps from men of caste, and not from the lowest class of Natives, is not for me to contend: but when men do not perform that from which they were expressly freed by contract on enlistment, their conduct in this respect can be no impeachment to their characters as Soldiers. Happening myself, like CARNATICUS, to have served in the conquest of Java, I can affirm that the Bengal Pioneers on that service were not found useless or deficient in any essential but as *Scavengers*. That an early dispute on the subject of burying and dragging to a distance putrid horse flesh made the Bengal Pioneers no favorites at Head-quarters, is true; but when ignorance of what ought to be exacted from the men, was the cause of the prejudice, its existence is only discreditable to those who entertained it. The Adjutant General being a Madras Officer, could comprehend no scale for Pioneers, but what the Madras Pioneer Corps gave him, and this Corps was composed of men of the lowest caste. The charge of "being of little use on any service," may sound fine in England; but it is so opposite to truth, that on every occasion in which the Corps has been employed in India, its conduct has been exemplary, exertions most essential, and its loss in action more severe in proportion to numbers than any arm of the service. At the fatal Sieges of Bhurtpoor and Kummonah, it was almost annihilated; during the whole Goorkah War success depended greatly on the Pioneers; and down to the present period there is not an instance where great exertions and superior conduct have not been attributed to this Corps, by the numerous Commanders of Armies and Detachments, with which it has served since its formation in 1802.

The Native Army at Madras, so eulogized for its perfection,* attained after "long series of hardships and some smart lessons," is very aptly contrasted with a tale (not a syllable of which do I believe to be true) told of three Bengal Sepoys of the 4th Java Volunteer Battalion, who permitted their prejudices to urge them to a forfeiture of life: I suppose this is meant as another instance of their general luxurious habits, starving themselves to death in compliance with religious prejudices!!—Let me here ask CARNATICUS how it happens, after all the railing against Bengal Sepoys and their *luxurious, easy, immovable habits*, that from Bengal alone (I might almost say) should foreign Expeditions have been at first, and continue to be, regularly supplied, as often as the state had occasion to call for Native Soldiers for such service? Egypt, Ceylon, Malacca, Macao, Isle of France, Java, Ceylon again, are all evidences of their willingness to waive their inveterate prejudice against a sea-voyage, and to leave the banks of the Ganges to encounter all the privations of a foreign Expedition.

That the high-caste Soldiers on the Bengal Establishment have prejudices which are averse to the drudgery of Coolies, or men of inferior orders, is most true; and that these prejudices, while they operate to raise their general character, have also

* What became of the moveable Madras Battalions that were to have joined the Java Expedition?

operated against their shining to particular advantage on ship-board, may be confessed, without admitting much against their character as Soldiers. To admit too that they are unequal to those who conquered and afterwards trained them, demands no great stretch of concession; but after making these concessions; it is notorious that in the patient endurance of fatigue and privation, in instances of devotion to their Officers, in duties of fatigue in sieges, in cordial co-operation in such labours as dragging heavy ordnance through every species of difficulty, in steadiness under fire, and in cool courage, they are not surpassed by any class of Soldiers: the fire of European courage and active energy of our countrymen they want, and the aid of European Officers should therefore never be withheld to counteract those defects which alone render them inferior to our countrymen. Great were the efforts and great the effects produced by *mere Native Armies* in our earlier career in Bengal; the aid of European Troops was then very trifling; but our Corps were far better Officered than they have been of late years. Corps were then kept effective with *one European Officer* to each Company (*of 60 men*), besides a Commandant and an Adjutant. If less confidence between the Native Soldiers and the European Officers now exists, the source of the evil lies in the frequent removal of Officers from Regimental duties. The drain for Staff and other employ has not only left the Battalions without an Officer to each Company; (*of 100 men*;) but the remnant is chiefly composed of young boys, who are only panting to follow their fleeting predecessors to any employment disconnected with the drudgery of Battalion duty; some of these are retained perhaps, if they happen to be aspirants for Regimental Staff situations. In fact there is now no class of staunch Regimental Officers left; none who do not repine at their fate in being Regimental Officers. When all are thus seeking to avoid the first duty of Officers, how can the seeds of attachment be fostered between them and the Native Soldier?*

There are other causes than this heavy drain for Staff and detached employ, to create a disrelish to Regimental duty, in the few who have not drawn prizes; but, however fitting their discussion may appear in England, they could not be brought forward or supported to conviction in India, without implying an indirect censure or a presumptuous criticism on the measures of the Governments which have gradually changed the situations of this class of Officers. We should, as CARNATICUS says, place matters in their true colours and light, but let us avoid throwing blame where it is not deserved. The Sepoys in Bengal have not degenerated, although our System has. Restore to the Native Army that Efficiency in Officers which it once had, and never ought to have lost, and no want of confidence between Officers and Men will be found to exist; nor will the Soldier be wanting in the hour of

* In explanation of these remarks, I observe that the effects of the Regimental System of 1796 have been to give *only* a fine paper-appearance to the efficiency of the Native Corps in European Officers. The incessant drain for Staff, increasing with extended territory, and, infinitely so, by the supercession of the Contract Systems for Staff Departments; the extension of the System of Local and Provincial Corps, which, although they occupy the Stations, and take the duties of the Regulars, must still keep in existence the full proportion of Station and Division Staff; thus forms a double drain on the Regulars for Officers. These are the causes of the paucity of Officers with the Regulars; and as each man is drawn from Regimental duty to fill a Staff situation, the minority left with the important task of maintaining the discipline of the Army, keeping alive the zeal and fidelity of the Native Soldier to the State, and fostering his regard for the European Officer, find assigned to them duties which were originally divided amongst a competent number of individuals. Neither accelerated promotion, nor pecuniary advantage follow these additional burthens; but, on the contrary, as the peaceful state of the old provinces admit of an inferior class of Soldiers, the extension of territory has not produced a comparative increase to the Military Establishment; and, therefore, the Regulars have in the course of their service a more extended, expensive, and harassing field to move on. Thus the consequence of a system, which made no provision for a Staff, however extensive, but looked to the proportion of Officers assigned for Regimental duties to supply this contingent demand, has been to ruin the source from whence the supply was received, by leaving too small a portion of Officers to perform the most important, though not the most advantageous duty of an Officer,

Monday, October 1, 1821.

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trial. The defection adverted to by CARNATICUS in the Bengal Corps, arose entirely from the absence of European Officers to command the men, and in no instance could this cause be more prominent than in the Java case.

If I have time and health, I may enter more at large into many of the subjects of CARNATICUS's Letter. Dissenting from him in many particulars, there are points in which we coincide; and I shall be not less anxious to record my assent, than to enter my protests on the points in which these opposite impressions prevail.

I am, Sir, your's obediently

Calcutta Sept. 28, 1821.

A BENGALLY.

P. S.—Before I could dispatch this, I observe a JOHN BULL Correspondent, signing himself "CALCUTTICUS," has been raising a cry at the publication of the Letter of CARNATICUS in your JOURNAL. The dissemination of that Writer's assertions and opinions through the medium of the *Asiatic Journal* is of little apparent consequence with CALCUTTICUS; But when it appears in a Paper of the Country, in which, of all others, the effects of the calumnies must be most deeply felt and most easily refuted; then the Publisher who afforded the slandered body in India a knowledge of what has been said of it, becomes a Libeller and all that is disgraceful!—This kind of cant may evince the rancorous hatred of your Rivals, but it has been too long continued to have any influence.

A B.

A Legal View of the Question.

To the Editor of the Bengal Hurkaru.

Sir,

Bystanders are said to see more into the merits of a Game than Players—and as I have been both interested and entertained by the arguments and sparrings of both sides in the discussions about Transmission, I beg leave, through the medium of your improving Journal, to notice one or two points in the Letters of C. where he seems to me to be in error—If he can make it convenient, I should be glad of his reply, at some future time.*

The Questions in dispute about Transporting Summarily without Trial appear to be three—1st. Does the power legally vest in Government? 2d. Is it applicable to cases of Libel? 3d. Is such a power necessary and fitting in cases of offences thro' the Press?

The first point at least appears to be sufficiently clear.—The Governor General (not "The Heads of Government") has the power by the Statute to send home any one when he pleases, without asking a question or being obliged to answer one; without cause assigned, in short, purely and solely at his pleasure—there is no exception from this Letter of the Law; the first dignitaries of the State, Councillors, Commanders, Judges, Bishops, ALL ARE subject to this general condition of Indian existence:—it is sufficient that they forfeit the countenance and protection of the Government, in the judgment of its Supreme Head—I do not see how any man who reads the Act can doubt this power.

Are there no limits then to an authority so absolute and wide-sweeping as this?

We can scarcely solve this question, by reference to any precedents or analogies, for there is no parallel to such a power in the whole system of the British Constitution, from the King downwards;—the nearest approach to it, is found in the Alien Act, applicable only to persons not subjects of the Crown of England. I have not the Alien Act to refer to, but I rather think the Secretary of State is permitted to demur, and plead the Act in bar to any prosecution or action for damages. Even then, it may be doubted whether the Jurisdiction of the King's Bench could be defeated in case of alleged malice—or in case the Plaintiff (or Prosecutor) could set forth that the powers of the Act had been abused to intimidate him into the commission of crime, or surrender of rights otherwise lawful.

* C. will readily understand why I am anxious for his opinion on this difficult question.

The offending Minister might of course be called on to explain in Parliament, or be subjected to impeachment.—But this can scarcely be called a check—1st, because a Minister must be supposed to have a majority, and an impeachment is a mockery, owing to the impossibility of producing evidence technically unobtainable—2d, because the person aggrieved is not able to procure even this redress on his own mere motion, but must be dependant on the good will of some Member of Parliament—Nothing is a true check against any abuse, but a Court of Law open to every one.

Is the power which the 53rd George III. confers on Indian Governors precisely on the same footing in this respect with respect to British-born Subjects, as the power given to Ministers by the Alien Act with regard to Foreign Strangers? and can it be that no other remedy besides the chance of Parliamentary Animadversion is open to Individuals, wronged by flagrant (which I suppose for argument's sake) abuses, of so tremendous a power?—I wish C. to answer this, and to say whether there be anything in the Statute which enables Governors to demur to the Jurisdiction of the King's Bench, (under whose cognizance and plenary powers such offences naturally fall)—and to plead simply that he acted under the Statute, and upon his own judgment and opinion that the Deported or Transported Person was unfit to remain in India? I rather think there is nothing in the Act which would exempt the Depositary of such fearful powers from the necessity of proving to the satisfaction of a Jury that the Deported Man was dangerous or unworthy—or that he had reason to think so (for reasons to be set forth) and acted bona fide—and that he was not instigated by malice or corruption, nor abused his power by compelling the Deported to do wrong, or surrender right, through intimidation or duress.

I apprehend that the stern and impartial Tribunal to which I refer, would go further; and that it would not allow the Defendant to plead simply that A. B. was residing in India without license, provided such license had been withdrawn for the purpose of bringing A. B. within the letter of the Law as an unlicensed person. The Statute provides a mode of dealing with such persons, and of giving them reasonable time to leave India without incurring the penalties;—but were this otherwise, I believe (and let C correct me if wrong) that the Court would not listen to such a constructive pretext, in a highly penal case, like that supposed where A. B. was proceeded against, because he was in a predicament to which he had been purposely reduced by the Defendant, in order to bring him, A. B., within the penalties.

The Act altogether is a very curious piece of patchwork, and although the letter of it clearly gives the power of Summary Transportation without Trial, yet it is doubtful whether the Legislature could mean to make India an exception to the great and ancient maxim, that there is no wrong without its remedy.*

The subject of Deportation occurs no less than three times in the course of the Statute;—but it is singular that the novel enactments in 1813, are evidently erected for one special and distinct purpose, that of checking excesses of religious and converting zeal, which were then greatly apprehended, and were urged against Mr. Wilberforce and his party, who obtained access for Missionaries with some difficulty. The history of these enacting clauses is well known to all general readers—and their special purport is distinctly shewn by their position and by their being prefaced with a separate preamble.—The powers they confer, however, may of course be used according to their letter, in any case of an Individual becoming obnoxious from whatever cause.†

The other clauses‡ that constructively confer similar powers, have a different origin.—The Governments of the Honorable East India Company, in virtue of their monopoly-rights, have

* C is requested particularly to attend to the case of *Fabrigas v. Mostyn*—quoted and argued with considerable force in Letters signed NOMOS, in the CALCUTTA JOURNAL, and written apparently by some person versed in Law and Legal History.

† Clauses 33 to 36, Geo. III, Cap 53.—* Clauses 101, 104, and 123, Geo. III. Cap 53.

always been authorized to send away unlicensed persons resorting or being found in India as interlopers. But it would appear to have been doubted whether a person having come to India in their service, or with license, could be removed legally as an interloper, on their withdrawing his license or employment.

The Company, and several of their Governors, were accordingly proceeded against in the King's Courts at home by various individuals, licensed Europeans, Civil Servants, and even Military Officers dismissed in the Mutiny of 1703—Some of the Complainants succeeded; others compounded: but I think in all cases the Defendants were obliged to plead, and proof was even gone into of alleged damage and violence, although the *general* power to remove unlicensed Europeans was as unquestionable then as now.

When the Supreme Court came out in 1774, there was an end for a time to employing this power, to other purposes than that of removing Commercial interlopers, for which it was granted. The Court was on bad terms with the Government, and construed strictly this, like other Penal Laws, in favor of persons or property.—A Free Press also appears to have been thought an indispensable instrument in the Administration of English Law, of which the very essence is entire publicity, as a check on its Ministers:—Every subject is in theory supposed to be present in Court, and it follows of course that every one may publish what passes, if he avoid malicious intention, or false and unjust comments. Accordingly the Press was literally Free as air for many years; and I know of no harm that ensued, critical as the times were.

But neither Government nor the Judges, (some of whom were attacked through the Press for misconduct that afterwards led to the curtailment of powers, and dismissal of Individuals) were particular admirers of this License; and when Lord Cornwallis came out in 1786, among other declaratory and explanatory proceedings in Parliament—to remove doubts on various inconvenient matters relating to the power of the New Board of Control, all doubts on the power of Transmission were very effectually removed by explanations which brought the thing pretty nearly to its present state; and from that period, the Freedom of the Press has naturally given place to a decorum and discreteness, greater or less according to the apparent temper of the Government or the supposed disposition of its Chief for the time being.

Lord Wellesley came out twelve years later, and still more effectually removed all doubts, if any remained, by transmitting one or two troublesome persons "*pour encourager les autres*," and by requiring obedience to a regular previous Censorship on pain of immediate Deportation.—There was no longer any doubt, of course, about the matter.

That celebrated measure has been very much, and I must say very unjustly reprobated.—It was worthy of the perspicacious and decided mind of its author. If the power of Transporting Arbitrarily and Summarily was vested in the Government for wise purposes, and applied to the regulation of a Licentious Press, every man of candor will surely allow that it was not only more effectual in respect to the object, but that it was by far less cruel and arbitrary to the responsible Editors, that they should be prevented from incurring penalties by this species of Police, than suffered or inveigled into the commission of faults entailing the severest punishments and against which no man could guard, because no man could tell the *precise limits* of what was laudable and what criminal:—of what would be hateful and what acceptable,—to those who were to pronounce on his merits and demerits. Even indiscreet praise, (to which each trembling Editor would naturally betake himself under so dark and doubtful a system of rewards and punishments) might offend fastidiousness and be construed into disguised Satire; while overzealous reprobation of men or of things supposed to find no natural favor in the Arbiter might be viewed with an evil eye by irresponsible Authority, from supposed unjustifiable allusions to particular Individuals whose heads might happen to be easily fitted with invidious caps.

It was more manly then, and more equitable, at once to step in with the means of *prevention*, instead of *lying by to punish*;—and there could not be any thing, I suppose, so illegal or unconstitutional in the Censorship as later Lawyers and Orators have hastily alleged, or surely the King's Court would never have allowed that preventive establishment to be regularly organized (under plain denunciation of Transmission), whatever might have been the degree of courtesy happily subsisting between the Court and Government in those more modern times, or the harmony and union that prevailed between Chiefs who had fought the hard Parliamentary and Judicial battles of their country against French Principles and Frenchified Traitors, hand in hand; and who owed the well-earned meed of their common prowess to the same grateful and munificent Patron, the immortal William Pitt.

If any one still remains sceptical, however, with regard to the just preference due to a *preventive system* of Literary Police over one of *invisible and vindictive banishment*—if any man shuts his ears against the reiterated and trite opinions of almost every writer on Crimes and Punishments, from Montesquieu down to Dr. Colquhoun—let him cast an eye on the grievances of the Press, and the wrongs of Editors, under the opposite system, as it prevailed about that very epoch (1798) in many parts of Germany, Italy, and Russia—under the vaunted Freedom of Republican France;—nay under the benign influence of British Liberty itself, in Scotland, where Transportation was liberally inflicted on Gentlemen of liberal professions for seditious writings—but still more in Ireland, where that punishment for "offences through the Press" was constantly administered without scruple, restraint, or other form than a Warrant from a responsible Magistrate or Commander, Transmitting the Criminal to the nearest Tender, or Botany Bay Transport.

Who will deny that a previous Censorship was more just and merciful than such proceedings, at once violent and insidious? In France the Press was free as air in name; then indeed, in virtue of its power of Transmission, each successive Administration unceremoniously seized and hurried into what were irreverently stiled Cayenne Diligences, all who wrote or spoke against the lawful brief Authority of the State for the time being: Brumaire, Fructidor, and every whimsical month, each had its Batch of Liberals, deported in quick succession to colonize the dreary wilds of Sinamar, if not prevented by fevers and dysenteries and coups de soleil! Even *Bonaparte* himself, did not disdain to signalize the auspicious commencement of his career as the Regenerator of happy France, by necessary acts of vigour of this description. No wonder then that Lord Wellesley, who rose to greatness by his abhorrence of French Principles, and who was distinguished by his patriotic and particular hatred of "the Child and Champion of Jacobinism"—should hold in detestation the mode of procedure in usage among the sans-culottes of France for repressing "offences through the Press," and adopt the more mild and efficient remedy of Prevention by a Censorship, which at that period was unknown in the more ferocious Republican Regime.

Why therefore C. and others should vilipend the Censorship I confess I am totally at a loss to understand. Either the Press in India is and ought to be *truly free*, or it is not and ought not to be so. If the former, it can only be subjected to the English Laws of Libel; and to talk of real freedom, as co-existing with any other check than that severe Code imposes, (administered too in Civil Cases by the discretion of Judges without a Jury), is truly to deal in downright absurdities that can deceive no man of common sense—it is to prate of words instead of things, "filling the ear and eluding the sense" as a certain great Parliamentary Orator used to do.

But if we agree that the latter proposition is the right one, and the Press of India is not and ought not to be free, like that of England or America, then I confidently appeal to C. or to any man capable of following up a common process of reasoning—whether it is not better for the Governor and Governed, for the Country which may suffer by the misdeeds of an inflammatory Author, and the tribe of miserable Editors who may be suddenly and